

App. Serial No.: 10/736,233
Atty. Docket No.: 0051-011P1

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REMARKS

These remarks are in response to the Office Action dated August 22, 2006, which has a shortened statutory period for response set to expire November 22, 2006. A three-month extension, to expire February 22, 2007, is requested in a petition filed herewith.

Drawings

FIG. 9 is objected to by the Examiner. The Examiner writes (in part):

Figure 9 is objected to because the decorative structure demonstrated in the drawing seems to be in the reverse. It is unclear how the decorative structure as depicted, with the anchoring member in the ground, could resemble the unwound decorative structure of FIG. 1. . . .

Applicant respectfully traverses the objection.

The decorative structure 900 illustrated in FIG. 9 is an alternate embodiment of the present invention and is different in several respects from the decorative structure 100 shown in FIG. 1. One difference between decorative structure 100 and decorative structure 900 is how each is erected. For example, decorative structure 100 is supported by the second ends 108(1-6) of strands 104(1-6) when the strands 104(1-6) are at least partially unwound (page 7, lines 1-2, page 9, lines 21-29). In contrast, decorative structure 900 is supported by anchoring member 920 that, in one embodiment, is pressed into support surface 922 such that the second ends 908(1-6) of strands 904(1-6) support a container 918 above support surface 922 (pg. 12, line 23 - pg. 13, line 11). Thus, in the embodiment of the present invention shown in FIG. 1, the unwound second ends 108(1-6) of strands 104(1-6) support the decorative structure 100, whereas in the embodiment shown in FIG. 9, the unwound second ends 908(1-6) of strands 904(1-6) support the container 918.

In addition, although decorative structures 100 and 900 are both made from similar strand material, decorative structures 100 and 900 resemble different decorative objects. For example, decorative structure 100 generally resembles a Christmas tree (page 7, lines 21-24). In contrast, decorative structure 900 is a decorative/support structure that can support, for example, a tiki torch bowl, a flower pot, or other decoration (page 13, lines 21-end). Therefore, decorative structure 900 will not necessarily resemble decorative structure 100, as properly shown in Fig. 9.

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For the above reasons, Applicant respectfully requests reconsideration and withdrawal of the Examiner's objection to the drawings.

Specification

The specification is amended to correct two clerical errors. In particular, in the paragraph beginning at page 13, line 1, the ground 922 in FIG. 9 was inadvertently identified as ground 122. Similarly, in the paragraph beginning at page 15, line 22, the anchoring member 920 was inadvertently identified as anchoring member 120. No new matter is added.

Claims

Claims 1-44 are pending in the above-identified application. Claims 1, 2, 4-6, 8-12, 18, and 21 are rejected. Claims 22-44 are withdrawn by the Examiner pursuant to a previous restriction/election requirement. Claims 2 and 22-44 are canceled. Claims 1, 3, 6, and 17 are amended, and new Claims 45-53 are added. Claims 4-5, 7-16, and 18-21 remain as filed. Allowance of all remaining claims is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claim 6 is rejected under 35 U.S.C. § 112, second paragraph. The Examiner writes (in part):

Claim 6 contains the limitation, in part, "...wherein said coupling devices comprises said anchoring member". . . . Because claim 1 includes the limitation that there is an anchoring member present, it is unclear if the coupling device of claim 6 is another anchoring member, or whether the anchoring member of claim 6 refers back to the anchoring member of claim 1.

Applicant respectfully requests reconsideration in view of the amendments made herein.

As amended, Claim 6 depends from Claim 1 (rather than Claim 5) and recites that "said anchoring member is adapted to fix said strands together with respect to one another near said first ends of said strands." The ambiguity noted by the Examiner is no longer present in Claim 6, which now satisfies the requirements of 35 U.S.C. § 112.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 112.

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Rejections Under 37 CFR § 1.75(c)

Claim 6 is also rejected under 37 C.F.R. § 1.75(c) for being in improper dependent form for failing to further limit the subject matter of the previous claim. Amended Claim 6 now depends from Claim 1 and further limits Claim 1. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection to Claim 6 under 37 CFR § 1.75(c).

Double Patenting

Claim 2 is rejected on the grounds of nonstatutory, obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,663,921. The Examiner writes in part:

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 2 of the pending application contains all of the limitations of claim 1 of the patented invention. ... The anchoring member of the present invention is considered to meet the limitations of the coupling device as it performs the same function as outlined in the claims and both are oriented near the first ends of the strands.

A terminal disclaimer is filed herewith to obviate the double patenting rejection. Such filing should not be construed as an admission of the propriety of the double patenting rejection. Indeed, Applicant believes that the anchoring member of the present invention is patentably distinct from the coupling device of U.S. Patent No. 6,663,921.

For the above reasons, Applicant respectfully requests withdrawal of the double patenting rejection of Claim 2.

Indicated Allowable Subject Matter

Applicant appreciates the Examiner's indication that Claims 3, 7, 13-17, and 19-20 would be allowable if they were cast in independent form including all of the limitations of the base claim and any intervening claims. In addition, Applicant notes that there are no prior art rejections of Claim 2.

The claims are amended herein to obviate the outstanding rejections. In particular, all remaining independent claims now include the subject matter of an indicated allowable claim or of Claim 2, which is not rejected over prior art. The amendment of the claims is intended to expedite allowance of the application, and is not an admission with respect to the propriety of the current rejections.

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Claims 1, 3-21, and 45:

Claim 1 is amended herein to include the subject matter of Claim 2, which is not rejected over prior art. A terminal disclaimer is filed herewith to overcome the double patenting rejection of Claim 2. Therefore, Claim 1 is now allowable. Claims 3-21 and 45 depend, either directly or indirectly from Claim 1 and are, therefore, allowable for at least the same reasons as Claim 1.

Support for new Claim 45 can be found in Applicant's original specification at page 13, lines 1-3. No new matter is entered.

Claim 46:

New Claim 46 is an independent claim that includes the limitations of original base Claim 1 and indicated allowable Claim 7. There being no intervening claims, Claim 46 is now allowable.

Claims 47-49:

New Claim 47 is an independent claim that includes the limitations of original base Claim 1 and indicated allowable Claim 13. There being no intervening claims, Claim 47 is now allowable. Claims 48 and 49 depend, either directly or indirectly, from Claim 47 and are, therefore, allowable for at least the same reasons as Claim 47.

Claim 50:

New Claim 50 is an independent claim that includes the limitations of original base Claim 1 and indicated allowable Claim 16. There being no intervening claims, Claim 50 is now allowable.

Claim 51:

New Claim 51 is an independent claim that includes the limitations of original base Claim 1 and indicated allowable Claim 17. There being no intervening claims, Claim 51 is now allowable.

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Claims 52 - 53:

New Claim 52 is an independent claim that includes the limitations of original base Claim 1 and indicated allowable Claim 19. There being no intervening claims, Claim 52 is now allowable. Claim 53 depends from Claim 52 and is, therefore, allowable for the same reasons as Claim 52.

For the foregoing reasons, Applicant believes Claims 1, 3-21, and 45-53 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1, 3-21, and 45-53, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicant's attorney at (269) 279-8820.

Respectfully submitted,

Date:

2/22/07

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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (571) 273-8300.

Date:

2/22/07

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